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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

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7 KAL-MOR-USA, LLC,

8 Plaintiff,

9 v.

10 OMNI FINANCIAL LLC; FIRST 100 LLC,

11 Defendants.  
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Case No. 2:17-cv-02280-RFB-CWH

**ORDER**

13 In this case, the Court ordered Defendant First 100 to file a notice of consent or non-consent  
14 to removal by July 10, 2018. (ECF No. 24). On July 9, 2018, Defendant First 100 filed a Notice of  
15 Non-Consent to Notice of Removal. (ECF No. 26).

16 28 U.S.C. § 1332(a) grants district courts original jurisdiction over actions where the matter  
17 in controversy is greater than \$75,000, provided there is complete diversity. A defendant may  
18 remove to federal court a case initially filed in state court if the federal court would have original  
19 jurisdiction. 28 U.S.C. § 1441(a). When a case is removed solely pursuant to 28 U.S.C. § 1441(a),  
20 all defendants that have been properly joined and served must either join in, or consent to, removal.  
21 28 U.S.C. § 1446(b)(2); Proctor v. Vishay Intertech. Inc., 584 F.3d 1208, 1225 (9th Cir. 2009).

22 This action was removed pursuant to 28 U.S.C. § 1441(a). Because the removal defect has  
23 not been and cannot be cured, as the case was removed without the consent of all Defendants, the  
24 Court remands this action to state court.

25 Accordingly,

26 **IT IS ORDERED** that Plaintiff's Motion to Remand (ECF No. 11) is GRANTED. The  
27 Clerk of Court is instructed to remand this case to the Eighth Judicial District Court, case number  
28 A-757061, and to close this case.

DATED July 9, 2018.



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**RICHARD F. BOULWARE, II**  
**UNITED STATES DISTRICT JUDGE**